



Departmental Appeals Board
Appellate Division, MS 6127
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330 Independence Avenue, SW
Washington, D.C. 20201

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Thomas I. DeVol, Ph.D.
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and

INTER-OFFICE MAIL - RETURN RECEIPT REQUESTED

Nicole Hall, Esq.
Office of Counsel to the Inspector General
U.S. Department of Health & Human Services
15 West South Temple, Suite 890
Salt Lake City, Utah 84101

Re: Thomas DeVol, Ph.D. v. Inspector
General
CR Docket No. C-07-353
Appellate Docket No. A-08-13
Appellate Decision No. 2129
Dated: November 6, 2007

DETERMINATION TO DECLINE REVIEW

Mr. DeVol and Ms. Hall:

On October 24, 2007, we received from Petitioner Thomas DeVol a copy of Decision No. CR1652, issued by Administrative Law Judge (ALJ) Richard J. Smith on September 18, 2007, as well as a copy of the September 18, 2007 letter transmitting ALJ Smith's decision to counsel and notifying Petitioner of his right to appeal the decision to the Departmental Appeals Board. Petitioner wrote across the top of the ALJ's transmittal letter that he wished to appeal ALJ Smith's decision, and we construe that writing as his Notice of Appeal from the ALJ decision.

Based on our review of the record and our evaluation of the issues raised in the appeal, we have determined that we need not issue a separate decision. We therefore decline review of and summarily affirm the ALJ's September 18, 2007 decision.

The ALJ's decision becomes final and binding 60 days from the date of service of this letter. See 42 C.F.R. § 1005.21(j). The date of service will be deemed to be five days from the date of mailing.

Judicial review is available in an appropriate United States district court if a civil action is filed within 60 days after service of this decision. See sections 1128(f)(1) and 205(g) of the Social Security Act and 42 C.F.R. § 1005.21(k)(1).

/s/
Leslie A. Sussan

/s/
Constance B. Tobias

/s/
Sheila Ann Hegy
Presiding Board Member

cc: Civil Remedies Division

Robert K. Deconti, OCIG
Robin Schneider, OCIG
Susan Earp, OCIG